

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FULL CIRCLE UNITED, LLC,

Plaintiff,

v.

BAY TEK ENTERTAINMENT, INC.,

Defendant.

CASE NO. 1:20-CV-03395

BAY TEK ENTERTAINMENT, INC.,

Counterclaim Plaintiff,

v.

FULL CIRCLE UNITED, LLC,

Counterclaim Defendant,

and

ERIC PAVONY,

Additional Counterclaim Defendant.

DECLARATION OF LEO M. LICHTMAN

I, Leo M. Lichtman, hereby declare as follows:

1. I am an associate with the law firm Mitchell Silberberg & Knupp LLP (“MSK”), counsel of record for Defendant/Counterclaim Plaintiff Bay Tek Entertainment, Inc. (“Bay Tek”). I am admitted to practice before this Court.

2. I respectfully submit this declaration in support of Bay Tek's response in opposition to the motion of Plaintiff/Counterclaim Defendant Full Circle United, LLC ("Full Circle") seeking leave to file the Third Amended Complaint. Unless otherwise stated, I have personal knowledge of the following facts and if called and sworn as a witness I could and would competently testify thereto.

3. Attached hereto as **Exhibit A** is a true and correct copy of the July 17, 2014 license agreement between Skee-Ball, Inc., on the one hand, and Full Circle United, LLC on the other hand (the "License Agreement").

4. Attached hereto as **Exhibit B** is a true and correct copy of the July 17, 2014 settlement agreement between Skee-Ball, Inc., on the one hand, and Full Circle United, LLC on the other hand (the "Settlement Agreement").

5. Attached hereto as **Exhibit C** is a true and correct copy of excerpts from the October 29, 2021 Transcript of Proceedings before the Special Master, Hon. Shirley Kornreich (Ret.) (the "Special Master").

6. Attached hereto as **Exhibit D** is a true and correct copy of an email chain between counsel for Full Circle and MSK, dated July 29, 2021.

7. Attached hereto as **Exhibit E** is a true and correct copy of the Declaration of Eric Pavony, dated October 28, 2020, which was e-filed as ECF No. 45 in this action.

8. Attached hereto as **Exhibit F** is a true and correct copy of the Consent to Assignment of the License Agreement, dated December 18, 2015.

9. Attached hereto as **Exhibit G** is a true and correct copy of what Full Circle's counsel characterized as a "first draft of the case summary" of the proposed third amended

complaint. Full Circle submitted this document by email to the Special Master on October 29, 2021.

10. Attached hereto as **Exhibit H** is a true and correct copy of letters from Bay Tek to the Special Master, dated July 26, 2021 and October 26, 2021. As set forth therein, Bay Tek was forced to write to the Special Master after Full Circle, among other things: (i) refused to agree to reasonably tailored search terms, and instead insisted on search terms that would require Bay Tek's counsel to review over 60,000 documents; (ii) belatedly served thirteen subpoenas months after the deadline to serve third-party discovery had passed, which subpoenas sought broad discovery into dozens of topics, including topics that the Special Master had already ruled to be improper; and (iii) initially refused to tailor its Rule 30(b)(6) notice, which notice demanded that Bay Tek prepare one or more corporate representatives on one hundred and sixty (160) separate topics and sub-topics that strayed into issues far afield of the case. The aforementioned requests were heavily reined in only after numerous hearings before the Special Master.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of December, 2021 in Brooklyn, New York.

/s/ Leo M. Lichtman
LEO M. LICHTMAN